



**US Army Corps
of Engineers**
Omaha District

PUBLIC NOTICE

Application No: NE 02-11575

Applicant: NE Department of Roads (NDOR)

**Waterway: Unnamed Tributaries to Rock, South
Branch of Camp, and Camp Creeks**

Issue Date: February 24, 2003

Expiration Date: March 17, 2003

21 DAY NOTICE

Reply To:

NEBRASKA REGULATORY OFFICE – OMAHA

8901 South 154th STREET, OMAHA, NEBRASKA 68138-3621

JOINT PUBLIC NOTICE: This public notice is issued jointly by the U. S. Army Corps of Engineers, Omaha District, and the Nebraska Department of Environmental Quality (NDEQ). NDEQ P. O. Box 98922, Lincoln, Nebraska 68509-8922 will review the proposed project for state certification in accordance with the provisions of Section 401 of the Clean Water Act. NDEQ hereby incorporates this public notice as its own public notice and procedures by reference thereto. For the purposes of NDEQ, this public notice will expire 30 days from the above issue date.

AUTHORITY: Section 404 of the Clean Water Act (33 USC 1344).

APPLICANT: Nebraska Department of Roads, Attn: Jason Jurgens, P.O. Box 94759, Lincoln, Nebraska 68509-4759

PROJECT LOCATION: The project begins at the south junction of US -75 and N-67 (Sec.21+22-T6N-R14E Nemaha County, Nebraska) and continues north until approximately .4 of a mile south of the junction of US-75 and N-128 (Sec.8+9-T7N-R14E Otoe County, Nebraska). The project will be on new alignment in Sec.9-T6N-R14E Nemaha County, Nebraska.

PROJECT DESCRIPTION: The applicant, under Project No. S-75-2(1025) is proposing to construct a 9.3-mile length of two-lane highway with grading and culverts. Two existing lanes will be used to accommodate traffic while two new lanes will be constructed on the east side of the existing lanes. The existing roadway surface will be removed after completion of the new roadway construction. New roadway alignment construction will occur diagonally across Sec.9-T6N-R14E Nemaha County. After construction, the existing roadway bordering Sec.9&16-T6N-R14E Nemaha County will remain and become part of the county road system. Impacts to waters of the United States will occur at 20 crossings (13 of unnamed tributaries of Rock Creek and 3 of unnamed tributaries of South Branch of Camp Creek and 4 of unnamed tributaries of Camp Creek) Included in

these impacts are two channel relocations. A channel relocation is proposed for an unnamed tributary of Rock Creek, Sec.4-T6N-R14E, Nemaha County (site 9). Fifty-two meters of the existing channel will be filled and replaced by a 41.5-meter box culvert. This channel relocation will impact 0.02 acres of palustrine emergent temporarily flooded wetlands (PEMA). The second channel relocation is proposed for an unnamed tributary of Camp Creek and is located at Sec.9-T7N-R14E, Otoe County (site 20). One hundred and three meters of the existing channel will be filled and replaced by an 82-meter long box culvert. There will be no wetland impacts at this location. Total wetland losses for the project are 2.74 acres of palustrine emergent temporarily flooded wetlands (PEMA), 0.29 acres of palustrine emergent seasonally flooded wetlands (PEMC) and 0.1 acre of palustrine emergent scrub-shrub wetland (PSSA). Wetland losses will be mitigated at NDOR'S Lincoln to Davey wetland mitigation bank site located in part of Sec.5 and NW1/4SW1/4 Sec.9 -T12N-R7E Lancaster County, Nebraska.

PROJECT PURPOSE: To accommodate increasing traffic and provide a safer and more efficient roadway.

SPECIAL AQUATIC SITES: The Nebraska Department of Roads performed the wetland delineation and identified total impacts of 2.74 acres of PEMA, 0.29 acres PEMC and 0.1 acres of PSSA wetlands.

CULTURAL RESOURCES: No activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the District Engineer has complied with the provisions of 33 CFR Part 325, Appendix C.

ENDANGERED SPECIES: In compliance with the Endangered Species Act, a preliminary determination has been made that the described work will not affect species designated as threatened or endangered or adversely affect critical habitat. In order to complete our evaluation of this activity, comments are solicited from the U. S. Department of Interior, Fish and Wildlife Service and other interested agencies and individuals.

FLOODPLAIN: This activity is being reviewed in accordance with Executive Order 11988, Floodplain Management, which discourages direct or indirect support of floodplain development whenever there is a practicable alternative. By this notice, comments are requested from individuals and agencies that believe the described work will adversely impact the floodplain.

WATER QUALITY CERTIFICATION: Section 401 of the Clean Water Act (33 USC 1341) requires that all discharges of fill material must be certified by the appropriate state agency as complying with applicable effluent limitations and water quality standards. This public notice serves as an application to the state in which the discharge site is located for certification of the discharge. The discharge must be certified before a Department of the Army permit can be issued. Certification, if issued, expresses the state's opinion that the discharge will not violate applicable water quality standards.

PUBLIC INTEREST REVIEW: The decision whether to issue the Corps' permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed/completed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against their reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the work on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (40 C.F.R. Part 230).

COMMENTS: The Corps of Engineers is soliciting comments from the public, Federal, State, and Local agencies and officials, Indian Tribes and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

Anyone whose interests may be affected by the proposed/completed work is invited to submit favorable or unfavorable written comments to the Nebraska Regulatory Office 8901 South 154th Street, Suite 1, Omaha, Nebraska 68138-3621 or e-mail at John.L.Moeschen@usace.army.mil. The District Engineer is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic system's functional values, cumulative and secondary effects and endangered species. All comments received will be considered public information; copies of all comments, including names and addresses of commenter, may be provided to the applicant unless confidentiality is requested. Comments must be submitted on or before the expiration date (located at the top of the first page) of this notice to be considered in the subsequent actions on this application.

PUBLIC HEARING: Before the expiration date of this notice, anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state the reason(s) for holding a public hearing. If the District Engineer determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location.

ADDITIONAL INFORMATION: For additional information, please call **John Moeschen at (402) 896-0896**.